

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p><b>JM SMITH CORPORATION d/b/a Smith Drug Company, individually and on behalf of all others similarly situated,</b></p> <p style="text-align: center;"><i>Plaintiffs</i></p> <p style="text-align: center;">v.</p> <p><b>ACTAVIS, PLC, FOREST LABORATORIES, LLC, MERZ GMBH &amp; CO. KGAA, MERZ PHARMACEUTICALS GMBH &amp; CO. KGAA, and MERZ PHARMACEUTICALS GMBH</b></p> <p style="text-align: center;"><i>Defendants</i></p>	<p>Civil Action No. 1:15-CV-07488-CM-JCF</p> <p>JURY TRIAL DEMANDED</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px;"><p>USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>9/27/17</u></p></div>
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**~~PROPOSED~~ THIRD AMENDED CASE MANAGEMENT ORDER**

WHEREAS the Parties have reached agreement on an amended schedule governing this matter as set forth below, the Court hereby **ORDERS** the following timing and sequencing of events:

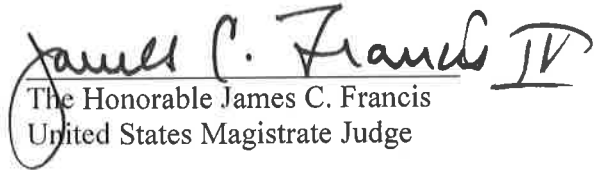
ORIGINAL DATE	MODIFIED DATE	PROPOSED REVISED DATE	EVENT
October 27, 2016			Parties serve initial disclosures
April 7, 2017			Deadline to amend pleadings, add parties, claims or defenses except upon a showing of good cause.
Jan. 3, 2017			Defendants will produce documents collected and produced to the New York Attorney General or any other State or Federal agency in connection with any alleged anticompetitive product hop from Namenda IR to Namenda XR.

Jan. 9, 2017			Defendants will produce all discovery requests and responses, deposition transcripts, unredacted court opinions, and the record from the evidentiary hearing on plaintiff's motion for a preliminary injunction held from November 10, 2014 to November 24, 2014, and on December 15, 2014 in <i>People of the State of New York v. Actavis, plc</i> , No. 14-cv-7473 (S.D.N.Y.).
April 3, 2017	July 31, 2017		Document production will occur on a rolling basis. Parties must complete their production of information, document and/or things by this date.
May 12, 2017			Pursuant to Local Civil Rule 33.3, parties may serve contention interrogatories no earlier than this date.
June 29, 2017	July 21, 2017		All discovery requests must be served to be answerable by this date, except for requests for admission pertaining to the admissibility of evidence, to which this deadlines does not apply.
July 24, 2017	September 15, 2017		Close of fact discovery  Last date for Parties to serve expert reports pertaining to any issue on which a Party carries the burden of proof. Plaintiffs to serve class expert reports and file a motion for class certification.
Aug. 28, 2017	October 9, 2017		Last date for Parties to serve any opposition expert reports. Defendants file opposition to motions for class certification
Sept. 28, 2017	October 23, 2017		Last date for Parties to serve any reply expert reports. Plaintiffs file reply in support of motion for class certification.  If any expert has not yet been deposed, that expert may be deposed until the end of expert discovery.
Oct. 17, 2017	November 3, 2017	November 10, 2017	Close of expert discovery.
Oct. 24, 2017	November 17, 2017		Last date to file summary judgment and <i>Daubert</i> motions.
Nov. 24, 2017	December 11, 2017		Last date to file summary judgment and <i>Daubert</i> oppositions.
Dec. 11, 2017	December 29, 2017		Last date to file summary judgment and <i>Daubert</i> replies.
TBD			If requested by the Court, hearing on motions for class certification, summary judgment, and <i>Daubert</i> motions.
Dec. 22, 2017	January 12,		Pre-trial Order in the form prescribed in the

	2018		Court's Individual Rules ¶ V.B. Following submission of the joint pre-trial order, counsel will be notified of the date of the final pre-trial conference. <i>In limine</i> motions must be filed within five days of receiving notice of the final pre-trial conference; responses to <i>in limine</i> motions are due five days after the motions are made.
TBD			Trial

SO ORDERED.

Dated: Sept. 27, 2017

  
The Honorable James C. Francis  
United States Magistrate Judge